

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:) CHAPTER 13
John Nisly, III) CASE NO: 20-50403
Nicole Louise Nisly)
DEBTOR(S)) ALAN M. KOSCHIK
) BANKRUPTCY JUDGE
)
) TRUSTEE'S MOTION TO DISMISS AS 341
) FIRST MEETING OF CREDITORS CANNOT
) BE CONCLUDED AND 21 DAY OBJECTION
) PERIOD

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and hereby moves this Court for an order of dismissal pursuant to 11 USC § 1307 (c)(1) and Rule 4002. The Debtor(s) failure to timely supply necessary information has hindered the Trustee's ability to administer the case and has caused unnecessary delay by the Debtor(s) which is prejudicial to creditors as the Debtor(s) is enjoying the automatic stay provided by 11 USC § 362 while hindering repayment to creditors by failing to provide necessary information to conclude the 341 meeting. Until the 341 meeting is concluded the Trustee cannot recommend the case for confirmation. Creditors cannot be paid until the case is confirmed by the Court.

On **02/22/2020**, the above named Debtor(s) filed a petition for relief under Chapter 13 of the bankruptcy code.

The original date for the First Meeting of Creditors was **04/09/2020**, and has been adjourned several times because the Debtor(s) and attorney for the Debtor(s) have failed to supply the Trustee with certain required information. The Debtor(s) and attorney for the Debtor(s) were instructed to provide the following information to the Trustee.

<input type="checkbox"/> Tax Returns	<input type="checkbox"/> Proof of auto insurance
<input type="checkbox"/> Financial Statements	<input type="checkbox"/> Proof of homeowners insurance
<input type="checkbox"/> Chapter 13 Payment	<input type="checkbox"/> See Below for issues regarding Chapter 13 Plan
<input type="checkbox"/> Pay stubs	

- NEED A CHAPTER 13 PAYMENT**
- NEED PROOF OF AUTO AND HOME INSURANCE**
- NEED BANK STATEMENTS**
- NEED 2018 AND 2019 TAXES**
- NEED PROOF OF TRANSPORTATION IN THE AMOUNT OF \$796/MONTH**
- NEED AMENDED SCHEDULE I - NEED TO CORRECT HER RETIREMENT CONTRIBUTION TO MATCH PAYSTUBS (APPROXIMATE AMOUNT \$450/MONTH)**
- NEED AMENDED PLAN - NEED TO CHECK TOP BOX UNDER #2.2, NEED TO CHECK BOTTOM BOX AND STATE PER OCP UNDER #2.3, NEED TO MOVE AMERIFIRST TO #3.1**
- NEED AMENDED MEANS TEST - NEED TO SHOW \$556 UNDER #8, #24 NEEDS TO SHOW \$4486, #33 D NEEDS TO LIST DEBTO, #44 NEEDS TO INCLUDE ALL 401K, EXCESS DMI SHOULD BE \$1430**
- NEED STEP UP PAYMENTS WHEN AUTO IS PAID OFF**
- NEED TO LIST ATTORNEY FEES PAID UP FRONT ON STATEMENT OF FINANCIAL AFFAIRS**

CHAPTER 13
Keith L. Rucinski
Trustee
One Cascade Plaza,
Suite 2020
Akron, OH 44308
(330)762-6335
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(330)762-7072

WHEREFORE, the Chapter 13 Trustee hereby moves this Court for an order of dismissal of the above Chapter 13 case for all the reasons stated herein.

NOTICE

Pursuant to 11 USC § 102, unless a party in interest requests a hearing on this pleading, the Court may grant the relief requested without a hearing or further notice.

Parties that want to be heard on this matter must file a response to this pleading within 21 days from the date in the below certificate of service.

The response must be filed with the US Bankruptcy Court at:

**US Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, Ohio 44308-1810**

In addition to filing a response with the Court, parties requesting a hearing must serve all parties in the below certificate of service either through the mailing address provided or, where applicable, by the Court's Electronic Filing System (ECF).

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee

Ohio Reg. No. 0063137

Joseph A. Ferrise, Staff Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on 05/13/2020, the following were served a copy of this pleading:

Via Regular Mail

John Nisly, III
541 Mineola Avenue
Akron, OH 44320

Nicole Louise Nisly
541 Mineola Avenue
Akron, OH 44320

Via ECF

MARK FRANKLIN GRAZIANI ESQ (mark_graziani@yahoo.com)
Office of the US Trustee (ustpregion09.cl.ecf@usdoj.gov)
Keith L. Rucinski. Chapter 13 Trustee (krucinski@ch13akron.com)

Date of Service: 05/13/2020

By: T. Rowe
Office of the Chapter 13 Trustee

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